

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA**

**CHARLES E. RASH,**

**Petitioner,**

**v.**

**Civil Action No. 3:08cv41  
(Judge Bailey)**

**USA,**

**Respondent.**

**TRANSFER ORDER**

Petitioner is a federal prisoner who filed a Petition for Writ of Judgment Order on September 4, 2007. Upon review of the petition, it was clear that the request is actually a challenge to the computation of his federal sentence. Because such challenges are properly brought pursuant to a petition for writ of habeas corpus under 28 U.S.C. § 2241, the Clerk was directed to use the Petition to open this instant civil action. The proper respondent in habeas corpus cases is the petitioner's warden or immediate custodian. Rumsfield v. Padilla, 542 U.S. 426 (2004). At the time Mr. Rash filed his pleading, he was incarcerated at FCI Petersburg - Medium, which is located in Petersburg, Virginia and is not located within this judicial district. The Bureau of Prisons website indicates the petitioner remains incarcerated there.

Based on the foregoing, this Court lacks jurisdiction over petitioner's custodian for purposes of 28 U.S.C. § 2241 and finds it in the interests of justice and judicial economy to transfer the case. Therefore, this case is hereby TRANSFERRED to the United States District for the Eastern District of Virginia for all further proceedings.

The Clerk of this Court is directed to mail a copy of this Order to the petitioner, and to mail the

original court file to the Clerk of the Court of the United States District Court for the Eastern District of Virginia, U.S. Courthouse, 1000 E. Main Street, Richmond. VA 23219. Petitioner is hereby directed to send any further correspondence or filings in this matter to that address until directed otherwise.

IT IS SO ORDERED.

ENTER: 2/5/08

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE